

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JUAN CARLOS PRADO NICASIO

Debtor

CASE NO. 19-06224 MCF

CHAPTER 13

JUAN CARLOS PRADO NICASIO

ADVERSARY NO. 19-462

Plaintiff

Vs.

**DIONISIO BENITEZ RODRÍGUEZ ALSO D/B/A
FERRETERÍA MONTALVO;
FERRETERÍA MONTALVO INC.
MARILIN PRADO NICASIO
BANCO POPULAR DE PUERTO RICO**

Defendants

MOTION FOR VOLUNTARY DISMISSAL

TO THE HONORABLE COURT:

COMES NOW counsel for plaintiff and Debtor Juan C. Prado Nicasio, and very respectfully **ALLEGES, STATES AND PRAYS** that:

1. Defendant Dionisio Benitez Rodriguez filed POC no. 5 in the Bankruptcy case for \$339,500.00.
2. Debtor will not contest the proof of claim no. 5 in the Bankruptcy case and will be filing an amended plan to pay in full, thru the plan defendant's proof of claim no. 5.
3. In addition to the adequate protection payments that has been proposed since the original plan, has already included Dionisio Benitez Rodriguez as co-insured in the insurance related to the properties object of this adversary.
4. Therefore, taking into consideration that further litigation will increase the costs, will

cause delay in the confirmation of the plan and with the acceptance and payment in full of Dionisio Benitez claim, there is no issue where there is no issue, becoming moot this adversary proceeding.

WHEREFORE, it is respectfully requested and pray to this Honorable Court to grant the voluntary dismissal of the instance adversary proceeding.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: That on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System. I further certify that I have served this document by electronic means to the CM/ECF participants and to codefendant Marilyn Prado Nicasio, PO Box 29213, San Juan, PR 00929.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this September 9, 2021.

/s/Ada M. Conde

ADA M. CONDE, ESQ.

USDCPR 206209

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